

**AMUSEMENTS.**

**GRAND Jury - Sept. 30 - Kathryn Osterman Company**

La Petite Adelaide; Johnnie Carroll; Ed F. Reynard; Dixon, Bowers and Dixon; Patterson Bros. Mlle. Latina; Matthews and Harris; Biograph. Matinees Daily, 10c, 25c; Every Night, 10c, 25c, 50c.

such charge and found guilty of mere assault and battery, without intent to commit manslaughter. 2. When facts are established without conflicting or contradictory testimony, an instruction assuming the existence or truth thereof will not work a reversible error, because the error, if any, is harmless. 3. When a person is charged with assault and battery with intent, he is not entitled to a charge of self-defense given to the jury, when there is no evidence that the defendant was the cause of the injury by the prosecuting witness. 4. In criminal cases the jury are the exclusive judges of the facts proven and of all inferences to be drawn therefrom.

1962. Herring vs. Mosier. Pulaski C. C. Dismissed and leave granted to withdraw record.

**AMUSEMENTS.**

**ENGLISH'S-THURSDAY, Oct. 3.**  
The Klaw & Erlanger Opera Co. Presenting  
J.E. OMC SYDES in Smith & De  
Koven's Latest Success  
"FOXY QUILLER"  
Prices - \$1.50, \$1.75, 50c, 25c. Seats now ready.

**FARK - To-Day (a.p.m.)**  
(8 p.m.)

**ROBERT MANTELL**  
This afternoon....."ROMEO AND JULIET"  
To-Night....."MICHELLE"  
To-morrow....."The Old Cross Roads"

Application to transfer the cause to A. Jones, Wabash and Delaware Sts.

1960. B. & C. Street Ry. Co. vs. James Jennings C. C. Petition to make marginal notes, etc. postponed until next session.

1964. Hubbard vs. Goss. Morgan C. C. Advanced.

1965. Kaufman vs. Preston. Noble C. C. Transferred to A. C.

1952. P. F. W. & C. Ry. Co. vs. Gillespie. Koscusko C. C. Same.

1962. Hays vs. Pugh. Hancock C. C. Same.

**ONE WEEK MONDAY MATINEE, Sept. 30**  
Commencing  
Matinee Daily at 2:15.

**Oriental**

**Burlesquers**  
**Ordstorf's Orchestra**  
Prices of Admission: 10c-15c-25c-30c.  
Telephone (New) 1317.  
Next Week—Topsy Turvy.

Hamilton C. C. Same.  
1996. Miller vs. Bowers. Adams C. C. Same.  
—Minutes—  
1956. B. J. & S. W. Ry. Co. vs. Thomas E. Jones. Jennings C. Appellant's petition for leave to take marginal notes, etc. Appellant to reply brief. Petition postponed until return of record.  
1966. State of Indiana ex rel. William Jenks et al. vs. Joseph V. Fry, controller. Allen C. C. Leave granted to exhibit.

## Cheese Straws

product. More cannot be  
desired. Ask your grocer  
for them.

**The Parrott-Taggart  
Bakery**

19728. *Johanna Eliser vs. John Hoppel et al. Vanderburg S. C. Transferred from Appellate Court, No. 3482.*

**APPELLATE COURT.**

2696. *Layman vs. Buck, Greene C. C.* Affirmed, per curiam. Where neither the pleadings nor the evidence is in the record and counsel venter aid to the theory of the complaint and the action this court will not disturb the judgment of the trial

Union, Marion S. C. Affirmed. Roby, J. Where one building association has placed stock in another and held the same for a number of years, until the association of which it was a stockholder has been liquidated, the first association will not, on the winding up, be heard to claim its purchase of stock was a mere loan to the second association.

3848. Sutherland vs. Sutherland, Marshall C. Affirmed. Tenley, J. 1. Where after marriage one of the parties is con-

force by the other party.

3596. Smith vs. Eels. Warrick C. C. Affirmed. Wiley, J. The administrator may borrow money with which to pay debts of his decedent, and secure the payment of the money borrowed by mortgage on the decedent's real estate, and the mortgage is not void by reason of it providing that the debt secured shall be payable without relief from valuation or appraisal under laws.

3570. Kissell vs. Lewis. Hamilton C. C.

ARE SUPERIOR TO ALL OTHERS.  
SOLD EVERYWHERE.  
FACTORIES: 48 South Illinois street.

**SALES OF REAL ESTATE.**

Sixteen Transfers Made Matter of Rec-

354. Union, etc., Association vs. Alchele Underbush.  
3550. Brunning vs. Golden. Jefferson C. C. Certiorari granted and issued.  
3551. Reich vs. Collier. Marton C. C. Advanced.  
3552. Hymera, etc. Company vs. Zink. Sullivan C. C. Petition for transcript granted.  
3553. Smelser vs. Pugh. Mariori S. C. Certiorari granted and issued.  
4692. Act vs. Yeager. Vigo C. C. Public.

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| 4902. | Indiana Ry. Co. vs. John E. Wadsworth et al. Elkhart C. C. Motion for leave to make marginal notes and number lines of transcript.            |         |
| 4974. | Charles Kellison vs. Flora A. Kellison. Elkhart C. C. Motion for summary judgment.  |         |
| 4986. | Terese Mackin vs. Pennsylvania Company. Porter S. C. Appellee's petition for summary judgment.  |         |
| 4990. | William H. Craig vs. Sarah H. Bennett, Marshall C. C. Appellee's brief on appeal.   |         |
| 4991. | Henry C. Shoemaker's sub of Blk. 4, Parker, Hanway & Hanna's 2d Oak Driv. Elkhart C. C. Motion for summary judgment.                          | 20,000. |
| 4992. | James W. Brown vs. John W. Brown. Florence A. Browley to Wm. Hoffberger, Lot 1 and part of Lot 2, in sub of C. C. Appellee's brief on appeal. | 4,250.  |
| 4993. | James W. Brown vs. John W. Brown. Florence A. Browley to Wm. Hoffberger, Lot 1 and part of Lot 2, in sub of C. C. Appellee's brief on appeal. | 4,250.  |
| 4994. | James W. Brown vs. John W. Brown. Florence A. Browley to Wm. Hoffberger, Lot 1 and part of Lot 2, in sub of C. C. Appellee's brief on appeal. | 4,250.  |
| 4995. | James W. Brown vs. John W. Brown. Florence A. Browley to Wm. Hoffberger, Lot 1 and part of Lot 2, in sub of C. C. Appellee's brief on appeal. | 4,250.  |
| 4996. | James W. Brown vs. John W. Brown. Florence A. Browley to Wm. Hoffberger, Lot 1 and part of Lot 2, in sub of C. C. Appellee's brief on appeal. | 4,250.  |
| 4997. | James W. Brown vs. John W. Brown. Florence A. Browley to Wm. Hoffberger, Lot 1 and part of Lot 2, in sub of C. C. Appellee's brief on appeal. | 4,250.  |
| 4998. | James W. Brown vs. John W. Brown. Florence A. Browley to Wm. Hoffberger, Lot 1 and part of Lot 2, in sub of C. C. Appellee's brief on appeal. | 4,250.  |
| 4999. | James W. Brown vs. John W. Brown. Florence A. Browley to Wm. Hoffberger, Lot 1 and part of Lot 2, in sub of C. C. Appellee's brief on appeal. | 4,250.  |
| 5000. | James W. Brown vs. John W. Brown. Florence A. Browley to Wm. Hoffberger, Lot 1 and part of Lot 2, in sub of C. C. Appellee's brief on appeal. | 4,250.  |

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| 361. Administrator, et al. Allen C. C. Appellant's brief.   | 27. Dr. Martin's New York ad. (New York Times, 1942, 1943).   |        |
| 362. Equitable Trust Company of New London vs. Harry J. Milligan, Marion S. Milligan, et al. Motion for summary judgment (ten days).      | 28. Wm. Wright to Theo. B. Brantlinger, Boston, 3, 1944. (Wright's New York side add. (Olney st., near Massachusetts Ave.))                       | 1,400. |
| 363. Alfred Guthrie vs. Adda T. Howland Martin. Oral argument postponed indefinitely.   | 29. Norman S. Chapman to John G. Neale of the same, of Sec 15, Tp 18, R. 10, Wm. Wright's New York side add. (Olney st., near Massachusetts Ave.) | 2,300. |
| 364. Midland Ry. Co. vs. Francis M. Trisler, et al. Madison C. C. Appellant's motion for leave to complete transcript. Appellant's brief. | 30. Wm. N. Heller to Mattie B. Butler, 27, Martin's New York ad. (Shepard Ave., near 21st st.)  | 1,000. |
|   | 31. Edw. H. Harvey to Maggie M. Wright, 27, Martin's New York ad. (Shepard Ave., near 21st st.)   | 1,000. |

-New cases.-

4158. Mary E. Custer et al. vs. Christian Holler, administrator. Chas. A. Joseph C. R.

4159. Isaac N. Haymaker, administrator, vs. Louis Schuchman, Clerk C. R.

Assignment of errors. Notice. Notice to Jackson county.

Lot 12, in Reagan Park add. (Corner Holleinstein and 24th sts.)..... 1,000.  
Alice Finch to Beatty's add. Lot 18, in 20. Bk 12. H. E. Frazier to Beatty's add. Chas. A. Stotwell et al., to H. E. Frazier et al. Chas. C. R. O'Brien's Woodlawn Park add to Irvington. (Corner Downey ave and Ritter av)..... 2,500.  
Chas. Gross to Edie Gross. Lot 16, Fletcher's sub. of Gutteridge's Addition Liberty and Ohio sts.) Love and affection.....

LIEUT. G. S. GARBER HERE.

He has just returned from the Philippine Islands.

Lieutenant Gullford S. Garber, of Madison, who has been in the Philippines nearly two years, was in town yesterday. He has had a varied service in the very different islands of the far-away islands. In soil and resources they are capable of great things, but the natives cannot be relied upon for

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| 156 and 157, Martindale trustee's                          | 700.     |
| Jackson Park add. (20 lots)                                | 700.     |
| 21st st.   | 500.     |
| W. Stout   | 700.     |
| 80, Stout's Vermont-st. add. (Hanson av. near Vermont-st.) | 500.     |
| Transfers, 16, total consideration                         | \$2,400. |

**Building Permits.**

S. F. Dirke, remodeling, 666 Grant street cost, \$500.

W. J. Kirkbride and South Meridian street

time. The island of Nib Infantry was the nearly wiped out, he says, one of the most difficult portions of the Philippines to conquer. Mr. Garber, who speaks English necessary to learn the Spanish language, but he could not speak Spanish. He says that he will be the language of the young people who are being taught in the schools and that he has been in the island had excellent health the most of the time he was absent and can see to reach home in good shape, who care for the

He received from his commanding officers ( F. L. Sullivan, addition, 2227 Northwestern  
most complimentary testimonials of his ( avenue, east, 1175.